

2024730-7033212001  
03-168REMARKS

Reconsideration of this application and withdrawal of the rejections set forth in the Office Action mailed December 21, 2006, is requested in view of the amendments above and the following remarks. Prior to this amendment, claims 1 and 5-9 were pending and at issue in this application, and claims 2-4 and 10-48 were withdrawn from consideration pursuant to a restriction requirement and an election by applicant. Claims 1 and 16 have been amended herein. No new matter has been added.

Claim 1 remains a linking claim to the claims depending therefrom, and upon allowance of such linking claim, the restriction requirement is to be withdrawn as to such dependent claims.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1 and 5-9 stand rejected under 35 U.S.C. § 102, as being anticipated by one or more of Solomon (U.S. Patent No. 4,277,184), Mizutani et al. (U.S. Patent No. 6,550,957), Bruning (U.S. Patent No. 4,966,468), Bruning (U.S. Patent No. 4,799,801); Handler (U.S. Patent No. 4,676,655), Morrisette (U.S. Patent No. 4,469,153), Hutter III (U.S. Patent No. 4,371,094), Cook et al. (U.S. Patent No. 3,475,010), Krahe et al. (U.S. Patent No. 3,140,078), Rossem et al. (U.S. Patent No. 1,998,692), Frei et al. (U.S. Publication No. 2005/0111299), Hicks (U.S. Patent No. 2,825,134), and Lund (U.S. Patent No. 5,273,190).

Applicant submits that this rejection should be withdrawn because none of the prior art cited by the Examiner in the Office Action discloses or teaches the claimed invention for an apparatus for mixing and dispensing bone cement having a selectable stop for releasably coupling the rod to the piston. In order to sustain a rejection for anticipation, each and every element of the claim must be

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found, either expressly or inherently, in a single prior art reference, and arranged as required by the claim. *See* MPEP § 2131; *In re Bond*, 910F.2d 831 (Fed. Cir. 1990).

Claim 1 has been amended herein to further recite that the claimed invention includes "a selectable stop, wherein in said stop has a first selectable configuration in which said stop allows said rod to move substantially freely relative to said piston and a second selectable configuration which couples said rod to said piston such that distal movement of said rod causes said piston to move distally through said mixing chamber. The prior art cited in the § 102 rejection is devoid of any teaching of such a stop mechanism.. Accordingly, claim 1 is not anticipated by the cited prior art. Claims 5-9 depend from claim 1 and are therefore not anticipated by the cited prior art for at least the same reasons applicable to claim 1.

### CONCLUSION

Any claim amendments which are not specifically discussed in the above remarks are not made for reasons of patentability, do not affect the scope of the claims, and it is respectfully submitted that the claims satisfy the statutory requirements for patentability without the entry of such amendments. These amendments have only been made to increase claim readability, to improve grammar, or to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

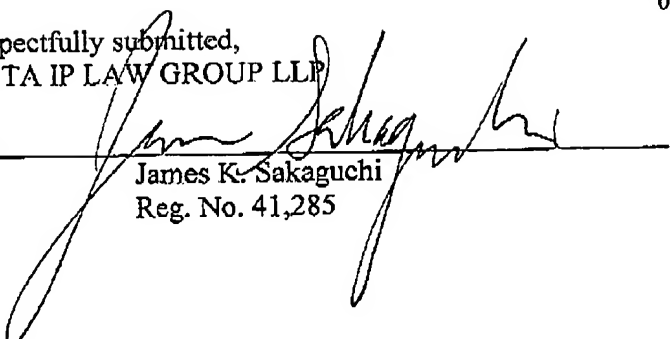
In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the examiner's rejections have been overcome. Accordingly, allowance is earnestly solicited. If the examiner feels that a telephone interview could expedite resolution of any remaining issues, the examiner is encouraged to contact Applicants' undersigned representative at the phone number listed below.

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Respectfully submitted,  
VISTA IP LAW GROUP LLP

Dated: March 21, 2006

By: \_\_\_\_\_

  
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